

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

BRIDGESTONE SPORTS CO., LTD.,  
and BRIDGESTONE GOLF, INC.,

Plaintiffs,

V.

ACUSHNET COMPANY,

Defendant.

C. A. No. 05-132 (JJF)

## **RULE 16 SCHEDULING ORDER**

The parties having satisfied their obligations under Fed. R. Civ. P. 26(f),

IT IS ORDERED that:

1. **Pre-Discovery Disclosures.** The parties will exchange by June 20, 2005 the information required by Fed. R. Civ. P. 26(a)(1) and D. Del. LR 16.2.

- 2. Joinder of Other Parties.** All motions to join other parties shall be filed on or before July 29, 2005.

- ### 3. **Discovery.**

(a) Exchange and completion of contention interrogatories, identification of fact witnesses and document production shall be commenced so as to be completed by August 31, 2005. Each party may supplement its responses to contention interrogatories by February 28, 2006.

(b) Maximum of 75 interrogatories, including contention interrogatories, for each side.

(c) Maximum of 150 requests for admission by each side.

(d) Limitations on depositions will be set by the Court. Depositions shall not commence prior to September 12, 2005. All fact discovery, including depositions, shall be completed by June 9, 2006.

(e) Opening expert reports under Rule 26(a)(2) that relate to issues on which a party has the burden of proof are due on September 21, 2006. Rebuttal expert reports under Rule 26(a)(2) that relate to issues on which a party does not have the burden of proof are due on October 20, 2006. Expert discovery will close on December 5, 2006.

(f) Any party desiring to depose an expert witness shall provide notice no later than October 27, 2006, and complete said deposition no later than December 5, 2006 unless otherwise agreed in writing by the parties or ordered by the Court.

(g) The parties shall meet and confer and file a proposed Protective Order governing the protection of discovery materials from public disclosure by July 1, 2005.

4. **Discovery Disputes.**

(a) The Court will hold a discovery conference on September 9, 2005 at 9:00 a.m. The parties' submissions concerning discovery disputes shall be filed by September 7, 2005.

(b) A party seeking discovery which the opposing party refuses to provide shall file a motion (no brief) pursuant to Rule 37 of the Federal Rules of Civil Procedure and Local Rule 37.1. Said motion shall not exceed a total of four (4) pages and must specify that the filing is pursuant to the Discovery Dispute procedures provided in this paragraph. An Answer to the Rule 37 motion, not to exceed four (4) pages, shall be filed within five (5) days of service of the motion. No reply is permitted.

(c) All papers shall set forth in a plain and concise manner the issue(s) in dispute, the party's position on the issue(s), and the reasons for the party's position.

(d) Upon receipt of the Answer, the movant shall notify Chambers by e-mail at [jjf\\_civil@ded.uscourts.gov](mailto:jjf_civil@ded.uscourts.gov) that the dispute is ready for decision.

(e) Upon receipt of the movant's e-mail, the Court will determine whether a conference is necessary and advise the parties accordingly.

(f) There is no limit on the number of Rule 37 motions a party may file, unless otherwise ordered by the Court.

5. **Amendment of the Pleadings.** All motions to amend the pleadings shall be filed on or before December 30, 2005.

6. **Case Dispositive Motions.** Any case dispositive motions, pursuant to the Federal Rules of Civil Procedure, shall be served and filed with an opening brief on or before January 19, 2007. Briefing shall be pursuant to D. Del. LR 7.1.2. No case dispositive motion may be filed more than ten (10) days from the above date without leave of the Court. The Court will issue a separate Order regarding procedures for filing summary judgment motions.

7. **Markman.** A Markman hearing will be held on July 24, 2006. Briefing on the claim construction issues shall be completed at least ten (10) business days prior to the hearing and according to the following schedule. The Court will set the limitation on the number of claim terms to be submitted for construction.

(a) Parties agree on disputed claim terms by May 5, 2006.

(b) Parties file a joint claim construction statement by May 19, 2006.

The statement shall include the construction of those claim terms on which the parties agree and

each party's proposed construction of each disputed claim term, together with an identification of all the intrinsic evidence known to the party on which it intends to rely.

(c) Markman opening briefs due by June 19, 2006.

(d) Markman answering briefs due by July 10, 2006.

The Court, after reviewing the briefing, will allocate time to the parties for the hearing.

**8. Applications by Motion.**

(a) Any applications to the Court shall be by written motion filed with the Clerk of the Court in compliance with the Federal Rules of Civil Procedure and the Local Rules of Civil Practice for the United States District Court for the District of Delaware (Amended Effective January 1, 1995). Any non-dispositive motion shall contain the statement required by D. Del. LR 7.1.1. Parties may file stipulated and unopposed Orders with the Clerk of the Court for the Court's review and signing. The Court will not consider applications and requests submitted by letter or in a form other than a motion.

(b) No facsimile transmissions will be accepted.

(c) No telephone calls shall be made to Chambers.

(d) Any party with a true emergency matter requiring the assistance of the Court shall e-mail Chambers at: [jjf\\_civil@ded.uscourts.gov](mailto:jjf_civil@ded.uscourts.gov). The e-mail shall provide a short statement describing the emergency.

**9. Pretrial Conference and Trial.** The final Pretrial Conference will be held on March \_\_, 2007 at \_\_\_\_\_.m. A jury trial will be held commencing on April \_\_, 2007 at 9:00 a.m. in Courtroom 4B of the United States Courthouse in Wilmington, Delaware.

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Date

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United States District Court Judge